

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. CHARLES S. COODY, JUDGE AT Montgomery, Alabama
DATE COMMENCED: 3/2/06 AT 9:03 a.m. to 9:50 a.m.
DATE COMPLETED: 3/2/06 TO Digital Recorded

UNITED STATES OF AMERICA *
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* V. CASE NO.: 2:05CR119-MEF-CSC
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* DON SIEGELMAN, ET AL *

GOVERNMENT	<u>APPEARANCES:</u>	DEFENDANT
Atty. Louis V. Franklin, Sr.	*	Atty. Redding Pitt (Siegelman)
Atty. J. B. Perrine	*	Atty. Doug Jones (Siegelman)
Atty. Stephen P. Feaga	*	Atty. David McDonald (Siegelman)
Atty. Jennifer Garrett	*	Atty. James Jenkins (Scrushy)
Atty. Joseph Fitzpatrick	*	Atty. Arthur W. Leach (Scrushy)
	*	Atty. Leslie V. Moore (Scrushy)
	*	Atty. David McKnight (Roberts)
	*	Atty. Jeff Deen (Hamrick)

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson
Law Clerk: Corrie Long

Court Reporter: Risa Entrekin

() NON-JURY TRIAL

(X) OTHER PROCEEDINGS: TELEPHONE STATUS CONFERENCE

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Telephone Status Conf - 05cr119-F-CSC		
Date	3 / 2 / 2006	Location	Courtroom 4B
Time	Speaker	Note	
9 :03:45 AM	Court	Conf. begins; parties on line as noted; Discussions as to the jury composition; Discussions as to the question whether to defer consideration of motion after trial of case;	
9 :06:14 AM	Atty. Jenkins	Response - oppose process; Feels the court must hear motion prior to trial;	
9 :07:25 AM	Court	Agrees; Don't have a problem with proceeding a head; Court will move ahead as quickly as possible;	
9 :08:23 AM	Atty. Jones	Response to issue	
9 :08:35 AM	Court	Just wanted to raise that issue;	
9 :08:48 AM	Atty. Perrine	States government's position - to delay issue until after the trial;	
9 :09:03 AM	court	Response - will move ahead; Discussion re: pending motion of Deft Scrushy second motion for discovery ; Discussion as to the request for statistical information about the process of deferred or excused jurors;	
9 :10:33 AM	Atty. Jenkins	Response;	
9 :12:07 AM	Court	For clarification - I'm speaking of the 2001 qualified jury wheel and the grand jury, your requesting data related to the composition of all of the pools; What does the petit jury venires have to do with the questions of the grand jury venires?	
9 :12:33 AM	Atty. Jenkins	Response - they come out of the qualified wheel;	
9 :13:28 AM	Court	What part of information you do not have?	
9 :13:35 AM	Atty. Jenkins	Jury history files of those summoned for each panel;	
9 :14:03 AM	Court	What information contained	
9 :14:11 AM	Atty. Jenkins	The deferral and excusal history of each juror;	
9 :14:31 AM	Court	You want to know whether a juror has been deferred or excused and when were they called and if they'd been called ?	
9 :14:38 AM	Atty. Jenkins	Including the information for the basis of the deferral or excusal; And when they were put back in the qualified wheel or panel;	
9 :15:06 AM	Court	Discussions re: the problem identified in Clay and the treatment of deferred jurors; Why excused jurors?	
9 :15:32 AM	Atty. Jenkins	Response; to compare grounds on which jurors are excused versus the grounds on which they are deferred.;	
9 :16:03 AM	Court	Question as to if the grand jury panel contained no excused or deferred jurors are you entitled to that information?	
9 :16:13 AM	Atty. Jenkins	Response;	
9 :16:45 AM	Atty. Perrine	Response - on interviewing the court personnel on what the process is;	
9 :17:17 AM	Atty. Jenkins	Response re: proving intentional discrimination;	
9 :17:31 AM	Court	You do as to the equal protection challenge;	

9 :17:33 AM	Atty. Jenkins	Yes. Response;
9 :17:47 AM	Court	Addresses problem with 6th Amendment challenge - the failure to show a desparity of 10%;
9 :18:17 AM	Atty. Jenkins	Response;
9 :19:02 AM	Court	Response as to desparity being less than 10 %;
9 :20:25 AM	Atty. Jenkins	Response re: the merits;
9 :21:56 AM	Court	Response;
9 :23:26 AM	Atty. Jenkins	Continued response as to the 10% desparity;
9 :26:34 AM	Court	Response to hypothetical example;
9 :27:53 AM	Atty. Jenkins	Response;
9 :32:31 AM	Court	What records are you entitled to?;
9 :32:36 AM	Atty. Jenkins	Response;
9 :33:40 AM	Court	Discussion as to the continued composition of the wheel in regarding to paragraphs nos. 10, 11, 12;
9 :35:12 AM	Atty. Jenkins	Response regarding request re: the qualified wheel;
9 :35:57 AM	Court	Discussion re: question as to the clerk as to what the clerk does when questionnaires are returned undeliverable;
9 :36:28 AM	Atty. Jenkins	Response;
9 :38:41 AM	Court	Response to argument;
9 :39:15 AM	Atty. Jenkins	Response;
9 :39:23 AM	Court	Discussion as what happened in Duran;
9 :39:29 AM	Atty. Jenkins	Response;
9 :39:38 AM	Court	Response re: facts of that case;
9 :40:22 AM	Atty. Jenkins	Response as to the random process;
9 :40:42 AM	Court	Response;
9 :40:54 AM	Atty. Jenkins	Response as to the deferral process;
9 :41:09 AM	Court	Discussions when would counsel be ready to have hearing this issue;
9 :41:20 AM	Atty. Jenkins	Would have to talk with Dr. Dunlap;
9 :41:39 AM	Court	Addresses problem; Discussion as to resolving this issue prior to trial;
9 :42:53 AM	Atty. Jenkins	Response as to right to records'
9 :43:08 AM	Atty. Perrine	Disagrees with that;
9 :43:16 AM	Atty. Jenkins	Response;
9 :43:41 AM	Atty. Perrine	Response;
9 :44:11 AM	Court	Response;
9 :44:46 AM	Atty. Jenkins	Response to issues;
9 :46:05 AM	Court	Discussion regarding developing the data and being ready for hearing ;
9 :46:45 AM	Atty. Jenkins	Response;
9 :47:58 AM	Court	Discussions of the petite jury;
9 :48:40 AM	Atty. Jenkins	Response;
9 :49:35 AM	Court	Understands the U.S. position
9 :49:50 AM	Atty. Perrine	Response to issue of composition of the wheel;
9 :50:16 AM	Atty. Jenkins	Response;
9 :50:25 AM	Court	Will take motion under advisement;
9 :50:37 AM	Court	Court is recessed.